

Honorable Barbara J. Rothstein

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

DIANE RAWLS, an individual, and RUSSEL
RAWLS, an individual,

Plaintiffs,

v.

COMBINED TRANSPORT, INC., a foreign
corporation; and ROGER TAKACS, an
individual, and STATE FARM MUTUAL
AUTOMOBILE INSURANCE COMPANY, a
foreign insurer;

Defendants.

NO. 2:19-cv-01382-BJR

STIPULATED MOTION AND AGREED
ORDER FOR MEDICAL,
EDUCATIONAL, EMPLOYMENT AND
TAX RECORDS OF RUSSELL RAWLS

**NOTE ON MOTION CALENDAR:
MARCH 4, 2020**

STIPULATED MOTION

Come now the Plaintiff Russell Rawls, by and through his attorneys at Seattle Truck Law
PLLC; Defendants Combine Transport, Inc., and Roger Takacs, by and through their attorneys at
Williams, Kastner & Gibbs, PLLC; and Defendant State Farm Mutual Automobile Insurance
Company, by and through its attorneys at Reed McClure, and stipulate that the Court should
enter the following proposed order.

STIPULATED MOTION AND AGREED ORDER FOR MEDICAL,
EDUCATIONAL, EMPLOYMENT AND TAX RECORDS OF
RUSSELL RAWLS - 1
(2:19-cv-01382-BJR)

Williams, Kastner & Gibbs PLLC
601 Union Street, Suite 4100
Seattle, Washington 98101-2380
(206) 628-6600

1 **ORDER**

2 THIS MATTER having come before the Court by way of stipulated motion by the
3 Plaintiff Russell Rawls and defendants Combined Transport, Inc., Roger Takacs, and State
4 Farm Mutual Automobile Insurance Company, and the Court being fully advised in the
5 premises, it is therefore hereby ORDERED as follows:
6

7 That the Defendants should have authorization to acquire the medical records,
8 educational records, employment records and/or tax records as they pertain to Russell Rawls,
9 DOB: xx/xx/1945, SSN: xxx-xx-5159, which are in the possession of any doctor, nurse,
10 hospital or any other health care providers, educational establishment, government agency or
11 any past, present or potential employer.
12

13 All records acquired should be paid for by the Defendants and/or their attorneys and
14 copies provided to Plaintiff's counsel within thirty (30) days from receipt of same; however,
15 that if records are obtained less than thirty (30) days prior to a hearing, deposition or trial, they
16 shall be furnished to counsel for the Plaintiff as soon as practicable.
17

18 In accordance with the Health Insurance Portability and Accountability Act
19 ("HIPAA"), 45 C.F.R. §160 and 164, Plaintiff hereby acknowledges, through counsel, that
20 release of medical records per this Order shall be used for discovery purposes in the above-
21 styled lawsuit. Plaintiff further acknowledges, through counsel, that any request for medical
22 records shall include all records pertaining to treatment rendered to the plaintiff, irrespective of
23 type of treatment or time of services rendered. Lastly, Plaintiff acknowledges, through counsel,
24 that records obtained per this Order may be disseminated to agents and/or associates of defense
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1 counsel, including but not limited to, their agents and expert witnesses, and that any such
2 information disseminated will no longer be protected by HIPAA privacy standards.

3 In further accordance with HIPAA, counsel for Defendants hereby acknowledge that
4 dissemination of records obtained per this Order shall be limited to agents, representatives, and
5 expert witnesses. It is further
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7 ORDERED that Defendants are hereby authorized to inspect, reproduce, and copy all
8 medical records, educational records and/or employment records as they pertain to Russell
9 Rawls, DOB: xx/xx/1945, SSN: xxx-xx-5159, which are in the possession of any doctor, nurse,
10 hospital, or any other health care providers or any past, present or potential employer or any
11 educational facility or government agency. Further, it is
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13 ORDERED that said hospitals, doctors or health care providers or their employees are
14 ordered and authorized to release said information and that said past, present, or potential
15 employers or their employees are ordered and authorized to release said personnel information.
16 Further, all educational establishments are to provide any and all educational records pertaining
17 to Plaintiff. Further, all government agencies are to provide any and all income tax records
18 pertaining to Plaintiff. Further, it is
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20 ORDERED that all records so acquired by this Order and authorization shall be paid by
21 Defendants and/or their attorneys and copies provided to Plaintiff's counsel, within thirty (30)
22 days from receipt of same and that each page of such records supplied shall have a "Bates"
23 stamp number or other numbering sufficient to identify each such page in numerical order.
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1 However, that if records are obtained less than thirty (30) days prior to a hearing, deposition, or
2 trial, they shall be furnished to counsel for the Plaintiff as soon as practicable. Further, it is

3 ORDERED that if documents are examined and not copied, Plaintiff's counsel will be
4 provided the name and address of the place where the documents exist, a listing of all
5 documents examined and not copied within thirty (30) days of such inspection and prior to any
6 hearing, deposition, or trial if less than thirty (30) days from such examination. Further, it is

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8 ORDERED that in the event the Defendants intend to use at trial any information
9 reviewed pursuant to this Order of which copies are not obtained, Defendants shall advise
10 counsel for the Plaintiff of that intent not less than thirty (30) days prior to trial. Further, it is

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12 ORDERED that this Order and Authorization is not a waiver of plaintiff's right of
13 privacy or plaintiff's covenant of confidentiality with her physicians or other healthcare
14 providers. **Plaintiff's counsel hereby advises all of plaintiff's treating physicians that this**
15 **Agreed Order does not authorize any communication ex parte, or private conferences by**
16 **and among any attorneys or their agents with any medical health care provider or any**
17 **entity in possession of such medical records or any employer or any entity in possession of**
18 **such employment and/or personnel records, unless plaintiff's counsel is present at such**
19 **conference.** Plaintiff agreeing to this order satisfies the duty to supplement medical records
20 and bills so long as the plaintiff identifies the medical providers.
21

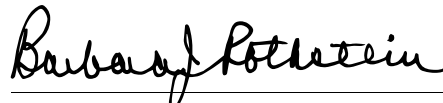
22 This Order shall expire upon final disposition of this case and the law firm of Williams,
23 Kastner & Gibbs, PLLC, Reed McClure, and/or their designated representatives, shall be
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1 prohibited from using the Order thereafter and copies of all records obtained shall be destroyed
2 no later than one (1) year after the time for appeals has been exhausted.

3 The defendants stipulate that the records obtained from any doctor, nurse, hospital, or
4 any other health care providers or any past, present or potential employer or any educational
5 facility are authentic, and are kept in the regular course of business.
6

7 If any records obtained or reviewed with the Order are not provided or revealed to
8 Plaintiff's counsel as provided herein, and/or if any ex parte discussion with Plaintiff's treating
9 physicians and/or other medical providers occur in violation of this Order, then sanctions may
10 be issued to specifically include prohibition of the use of said records, and/or prohibition of the
11 use of any information discovered pursuant to any said ex parte discussions, for any purpose
12 whatsoever and at any time in connection with this litigation.
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14 Dated this 9th day of March, 2020.

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17 Barbara Jacobs Rothstein
18 U.S. District Court Judge

19 PRESENTED BY:

20 SEATTLE TRUCK LAW, PLLC

21 By s/Morgan Adams

22 By s/James Banks

23 Morgan Adams, WSBA No. 51071

24 James Banks, WSBA No. 41758

25 *Attorneys for Plaintiff*

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1 WILLIAMS, KASTNER & GIBBS PLLC

2 By s/Brendan T. Vandor

3 By s/Rodney L. Umberger

4 Rodney L. Umberger, WSBA No. 24948

5 Brendan T. Vandor, WSBA No. 49929

6 *Attorneys for Defendants Combined Transport, Inc. and Roger Takacs*

7 REED MCCLURE

8 By s/Jason Vacha

9 By s/David Reeve

10 Jason Vacha, WSBA No. 34069

11 David Reeve, WSBA No. 48405

12 *Attorneys for Defendant State Farm Mutual Automobile Ins. Co.*

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